

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS KUSCHYK,

Defendant.

Case No. 1:24-cr-20574

Honorable Thomas L. Ludington  
United States District Judge

Honorable Patricia T. Morris  
United States Magistrate Judge

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**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING GUILTY  
PLEA, AND TAKING RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

On October 17, 2024, Magistrate Judge Patricia T. Morris conducted a plea hearing upon Defendant Nicholas Kuschyk's consent. *See* ECF Nos. 13; 15. That same day, Judge Morris issued a report recommending the acceptance of Defendant's guilty plea. ECF No. 17. Judge Morris gave the Parties 14 days to object, but they did not do so. They have therefore forfeited their right to appeal Judge Morris's findings that Defendant was competent to enter a plea and did so knowingly, voluntarily, and with a basis in fact. *See* FED. R. CRIM. P. 11(b); *Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

Accordingly, it is **ORDERED** that Judge Morris's Report and Recommendation, ECF No. 17, is **ADOPTED**.

Further, it is **ORDERED** that Defendant's guilty plea is **ACCEPTED**, and that the Rule 11 Plea Agreement, ECF No. 16, is **TAKEN UNDER ADVISEMENT**.

Dated: November 6, 2024

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge